

**REMARKS**

With this amendment, claims 113 to 154 are pending. Claims 71-79, 81-83, 85-90 and 92-112 are currently canceled. Claims 113, 114, and 115 are currently amended. New claims 116-154 have been added.

Reconsideration of the application, as amended, is requested.

Support for the amendments to claims 113-115 with respect to the limitations that the second major side of the substrate is partially exposed can be found in the specification, for example, in Figs. 1-2, and at page 5, lines 17-22.

**§ 112 Rejections**

Claims 113-115 stand rejected under 35 U.S.C. 112, first paragraph, as purportedly failing to comply with the written description requirement. Claims 113-115 stand rejected under 35 U.S.C. 112, first paragraph, as purportedly failing to comply with the enablement requirement.

Although not necessarily agreeing with the rejection, Applicants have amended claims 113-115 to recite that the second major surface of the fibrous web (claim 113) or the fibrous nonwoven web (claims 114 and 115) is partially exposed and comprises unexposed regions. As indicated in the Interview Summary issued by the Examiner on August 4, 2009, the Examiner agreed that amending claims 113-115 to recite "partial exposure of the fibrous web" would overcome the current 112 issues.

Therefore, Applicants submit that rejection of claims 113 to 115 under 35 USC § 112, first paragraph, for failing to comply with the written description requirement, has been overcome, and that the rejection should be withdrawn.

**§ 102/103 Rejections**

Claims 71-79, 81-83, 85-90, 82-108 and 112 were rejected under 35 USC § 102(b) as purportedly anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Wessels et al. (US 5,669,120). Claims 78, 83, 85-90, 92, 93, 95, 96, and 101 were rejected under 35 USC §

103(a) as purportedly unpatentable over Wessels et al. '120, as applied above, further in view of Allen et al. (US 5,547,531). Claims 78, 83, 85-90, 92, 93, 95, 96, 101 were rejected under 35 U.S.C. 103(a) as purportedly unpatentable over Wessels et al '120 in view of Allen et al '531, as applied above, and further in view of Provost et al (US 5606781). Claims 109-111 were rejected under 35 USC § 103(a) as purportedly unpatentable over Wessels et al. '120. Claims 109- 111 were rejected under 35 U.S.C. 103(a) as purportedly unpatentable over Wessels et al '120, as applied above, and further in view of Shoemaker (US 4903874).

Each of the claims that was rejected under § 102 and/or 103 has been canceled; therefore, the rejections are rendered moot.

### **New Claims**

New claims 116 to 125 depend directly or indirectly from claim 113. New claims 126 to 132 depend directly or indirectly from claim 114. New Claims 133 to 139 depend directly or indirectly from claim 115. Claims 113 to 115 are patentable for at least the reasons given above. Therefore, claims 116 to 125 are likewise patentable. Furthermore, none of the cited references, alone or in combination, teaches or suggests a mechanical fastener or a web construction having a fibrous web (claim 113, 116-125) or fibrous nonwoven web (claims 114, 115, and 126-139) and a discrete patch of polymer having a perimeter that is entirely bordered by the first major side of the fibrous web or fibrous nonwoven web, further wherein the second major side of the fibrous web or fibrous nonwoven web is partially exposed as claimed in claims 113 to 125.

New claims 140 to 148 include a fibrous nonwoven web and a plurality of discrete polymeric regions attached to the first major side of the fibrous nonwoven web, wherein the plurality of discrete polymeric regions comprises a discrete patch of polymer having a perimeter that is entirely surrounded by the first major side of the fibrous nonwoven web, wherein the second major side of the fibrous nonwoven web is at least partially exposed, and wherein any of the polymer forming the discrete patches that may be present on the second major side is provided by the polymer extending from the first major side through the fibrous nonwoven web to the second major side. None of the cited references, alone or in combination, teaches or suggests a web construction having this combination of features. Moreover, the Office Action does

not provide evidence that a person having ordinary skill in the art would modify the references to obtain a web construction as claimed in claims 140-148.

With regard to written description support for and enablement of the limitation "wherein the second major side of the substrate is at least partially exposed, and wherein any of the polymer forming the discrete patch that may be present on the second major side is provided by the polymer extending from the first major side through the fibrous nonwoven web to the second major side", one skilled in the art would understand that when a polymeric material is deposited on only the first side of a substrate as described in the present specification (e.g., page 6, lines 14-26), whether the polymeric material would be present on the second major side of the substrate depends on the properties of the substrate such as porosity and thickness, even if the substrate is fibrous. Evidence for this position is provided by U.S. Pat. No. 5,669,120 (Wessels et al.), which states in col. 2, line 16, "a pile supporting portion, i.e. the core sheet, needs such a high density not to allow molten resin to pass through". Thus, a person of ordinary skill in the art, armed with the knowledge gained from Applicants' specification and information known in the art, could make and use the web construction even when the polymer forming the polymeric regions does not extend through the substrate to form part of the second side. Also, a person of ordinary skill in the art would understand that Applicants had possession of the claimed invention, as evidenced by Applicants' specification and information known in the art.

New claims 149-154 are directed toward a web construction comprising a continuous thermoplastic film comprising a first major side, a second major side, and an indefinite length; a plurality of discrete polymeric regions fused to the first major side of the continuous thermoplastic film; and a plurality of stems extending from each discrete polymeric region of the plurality of polymeric regions, wherein each stem of the plurality of stems comprises a free, unattached end. Support for these claims, with respect to the "continuous thermoplastic film" can be found in the specification, for example, page 5, lines 23-28, and Example 10. The cited references, alone or in combination, do not teach or suggest a continuous thermoplastic film with a plurality of discrete polymeric regions fused to the first major side of the continuous thermoplastic film.

In view of the above, it is submitted that the application is in condition for allowance.  
Examination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

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Date

By: \_\_\_\_\_ /Kathleen B. Gross/

Kathleen B. Gross, Reg. No.: 56,676  
Telephone No.: 651-737-4757

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833